

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

INCOME TAX REFERENCE NO. 376 OF 1984

For Approval of Signature :

Hon'ble MR. JUSTICE B.C. PATEL and Sd/-
MR. JUSTICE R.R. JAIN Sd/-

1. Whether Reporters of Local Papers may be allowed
to see the judgments ? No

2. To be referred to the Report or not ? No

3. Whether Their Lordships wish to see the fair copy
of the judgment ? No

4. Whether this case involves a substantial question
of law as to the interpretation of the
Constitution of India, 1950 or any Order made
thereunder ? No

5. Whether it is to be circulated to the Civil
Judge ? No

Appearance :

Mr B.J. Shelat for M/s R.P Bhatt & Co., for the
Applicant.

Mr D.A. Mehta, Mr R.K. Patel and Mr B.D. Karia, Advocates
for the Respondent.

Coram : B.C. Patel & R.R. Jain, JJ.

Date of Decision : 26th July, 1996

Oral Judgment : (Per B.C. Patel, J.)

The Tribunal has referred the following questions
for opinion of this Court.

"1. Whether, on the facts and in the
circumstances of the case, the assessee was
entitled to claim exemption u/s. 11 of the I.T.
Act, 1961 in respect of the contribution of Rs.
80,000/- made to Nirmala Bakubhai Foundation ?"

2. Whether, on the facts and in the
circumstances of the case, the Tribunal was right
in holding that the interest received by the

assessee on fixed deposits made with Shahibaug Entrepreneurs P. Ltd. covered u/s. 13 (2)(a) of the Act and therefore, the assessee's claim for exemption u/s. 11 of the I.T. Act, 1961 was not affected."

2. The questions referred are covered by the decision rendered by this Court today in Income Tax Reference No. 161 of 1984, and therefore, the questions are required to be answered in favour of the assessee and against the revenue. Accordingly we answer the questions with no order as to costs.
